

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

D-1 Marzell Patterson

D-2 David Bradley Anderson, Jr.

Case: 2:20-mj-30234

Judge: Unassigned,

Case No.

Filed: 07-13-2020 At 03:44 PM

USA v. Marzell Patterson et. al.(CMP)(MLW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 29, 2020 in the county of Macomb in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

18 USC § 922(a)(6) (D-1 only)

Making a false statement during the purchase of a firearm

18 USC § 2 (D-2 only)

Aiding and abetting a violation of 18 USC § 922(a)(6)

This criminal complaint is based on these facts:

see attached affidavit.

Continued on the attached sheet.



Complainant's signature

Kenton Weston, Special Agent (ATF)

Printed name and title



Judge's signature

Hon. Anthony P. Patti, United States Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: July 13, 2020

City and state: Detroit, Michigan

AFFIDAVIT

I, Kenton Weston, being first duly sworn, hereby state:

I. INTRODUCTION

1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since January 2018. I am currently assigned to the Detroit, Michigan, Field Division, Group 2, where I am tasked with investigating violations of firearms laws. I have been involved in dozens of investigations involving violations of federal firearms laws, which have resulted in the seizure of firearms. I have graduated from the Federal Law Enforcement Training Center and ATF Special Agent Basic Training.

2. I make this affidavit based on my personal knowledge and participation in this investigation including witness interviews by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

3. This affidavit is intended to show probable cause for the requested warrant, and it does not set forth all information known to law enforcement related to this investigation.

4. Probable cause exists that Marzell PATTERSON (XX/XX/1999) made a false statement during the purchase of a firearm, in violation of 18 U.S.C. § 922(a)(6).

5. Probable cause exists that David Bradley ANDERSON Jr. (XX/XX/1999) aided and abetted PATTERSON when he knowingly made false statements during the purchase of a firearm, in violation of 18 U.S.C. §§ 922(a)(6) and 2.

II. PROBABLE CAUSE

6. On April 29, 2020, PATTERSON, who was from Eastpointe, purchased a CZ, model P-10 C, 9mm caliber semiautomatic pistol bearing serial number UE00203 (hereinafter referred to as the CZ), from Federal Firearms Licensee (FFL) IFA Tactical. IFA Tactical was located in Sterling Heights, Eastern District of Michigan. The CZ was used during the commission of a crime less than one month after the original purchase date.

7. On June 23, 2020, Special Agent Kara Klupacs received and reviewed the Firearm Transaction Record (ATF Form 4473) completed and signed by PATTERSON on April 29, 2020. In “Section A” question “11a,” the purchaser must answer the questions “[a]re you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.” PATTERSON marked “Yes,” representing that he intended to purchase the firearm for himself.

8. On the form, PATTERSON signed his name certifying his “answers to Section A are true, correct, and complete,” and that he understood “that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local laws.”

9. On June 13, 2020, the Detroit Police Department (DPD) conducted a traffic stop in the area of Shaftsbury and Outer Drive. The front seat passenger was ANDERSON. Officers asked ANDERSON if

there were any weapons in the vehicle, to which ANDERSON stated there were none. ANDERSON was again asked if he had any firearms in his possession. ANDERSON repeated that he did not have a firearm. Moments later, officers observed a firearm on the front passenger floor which ANDERSON attempted to cover with his foot. Officers recovered the CZ (**the same firearm purchased by PATTERSON on the April 29, 2020, from IFA Tactical**). The CZ was loaded. ANDERSON was arrested for carrying a concealed weapon in a vehicle and transported to the Detroit Detention Center (DDC).

10. ANDERSON was under the age of 21 at the time of his arrest and the seizure of the CZ. Under federal law, a FFL cannot sell handguns to a person under the age of 21. See 18 U.S.C. 922(b)(1). For an individual under 21 to possess a handgun, they would have to obtain the firearm(s) from someone else.

11. As of June 23, 2020, PATTERSON had not reported that the firearm he purchased was stolen with either the DPD or the Eastpointe Police Department.

12. On July 2, 2020, a federal search warrant was authorized to search and seize PATTERSON's cellular device.

13. On July 8, 2020, Special Agent Klupacs and I conducted a noncustodial interview with PATTERSON pertaining to the April 2020 purchase of the CZ. PATTERSON made the following statements:

- a. He completed high school and previously completed college classes at Olivet College;
- b. He purchased the CZ using cash, approximately \$300, provided by a person whose name he could not remember;
- c. He completed ATF Form 4473 without assistance and did not have any questions while completing the form; and
- d. He is friends with ANDERSON.

14. During the interview, PATTERSON utilized an Apple iPhone to make a call. At the conclusion of the interview, Special Agent Klupacs executed the federal search warrant and seized the same Apple iPhone which PATTERSON had returned to his pants pocket.

15. A review of text messages and images stored on PATTERSON's Apple iPhone showed a conversation dated April 29, 2020, at approximately 12:08 p.m. The conversation was between PATTERSON and another iMessage user with the contact labelled "Dave 44 100."

16. I compared ANDERSON's State of Michigan ID photo to the image assigned to the "Dave 44 100" contact on PATTERSON's iPhone. The image depicted ANDERSON and PATTERSON standing next to each other. Additionally, ANDERSON's first name is David.

17. During the conversation, PATTERSON and ANDERSON discussed PATTERSON purchasing the CZ, at the direction of ANDERSON, for \$635. The conversation took place while PATTERSON was inside IFA Tactical.

18. During the conversation, ANDERSON instructs PATTERSON to "send me pics of the hand guns," and "Grab 599." PATTERSON sent ANDERSON an image of a display case with a CZ model P-10 C pistol and an attached blue tag with a listed price of \$599.99. PATTERSON texted "I'm sayin I'll buy it."

19. ANDERSON subsequently used Apple Pay and sent PATTERSON two payments one of \$90 and one of \$10 and states "I'll give it cash." ANDERSON later messages PATTERSON a GPS location of his current location.

20. On June 16, three days after ANDERSON's arrest for possessing the CZ, via text, ANDERSON requested an image of the

State of Michigan Pistol Sales Record of the CZ originally completed by PATTERSON. ANDERSON explained that he needed the pistol sales record for his attorney. At that time, ANDERSON was charged in the Third Judicial Circuit Court, Wayne County, with carrying a concealed weapon from his June 13, 2020, arrest where DPD seized the CZ.

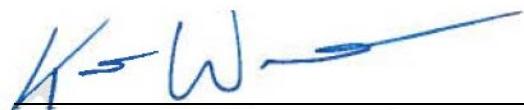
21. After ANDERSON received an image of the State of Michigan Pistol Sales Record from PATTERSON, ANDERSON texted “We beat cases ... Round this bitch.” PATTERSON responded “[a]lready knowing” and emphasized “we beat cases.”

III. CONCLUSION

22. Probable cause exists that Marzell PATTERSON purchased the CZ for ANDERSON and not for himself as he certified on the ATF Form 4473. Consequently, he made false statements on an ATF Form 4473 on April 29, 2020, in violation of 18 U.S.C. § 922(a)(6).

23. Probable cause exists to believe that David ANDERSON, an individual under 21 years of age, prohibited from purchasing pistols from an FFL, knowingly aided, abetted, counseled, induced, or encouraged PATTERSON to violate 18 U.S.C. §922(a)(6), in violation of 18 U.S.C. §§ 922(a)(6) and 2.

Respectfully submitted,



Kenton Weston, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my presence and/or by reliable electronic means.



Hon. Anthony P. Patti
United States Magistrate Judge

Dated: July 13, 2020